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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,770	10/23/2001	Srinivas Miriyala	PF02133NA/10-26	4315

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EXAMINER

CHO, UN C

ART UNIT PAPER NUMBER

2687

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/001,770	Applicant(s) MIRIYALA, SRINIVAS	
	Examiner Un C. Cho	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 9-13 and 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-8 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5 – 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (US 6,438,385 B1) in view of Nakamura (US 6,082,096).

Regarding claim 1, Heinonen discloses a wireless communication device of a silent zone system comprising: a transceiver (MS) configured to receive a mute command (BTS transmits a muting message to mobile station, Heinonen, Col. 4, line 24 – 64); a programmable memory for storing device data associated with the wireless communication device (memory, Heinonen, Col. 4, lines 17 – 22); and a processor (controller, Fig. 4, 2) configured to activate a silent mode of the wireless communication device in response to the mute command (Heinonen, Col. 6, lines 55 – 63).

However, Heinonen as applied above does not specifically disclose a transceiver receiving a muting status information in response to the wireless communication device entering a silent zone and provide notification of a status of the wireless communication device through an advisory message to another device attempting to communicate with the wireless communication device,

wherein the advisory message is constructed based on the muting status information received by the transceiver and the device data stored by the programmable memory. In an analogous art, Nakamura discloses a transceiver (mobile unit, Fig. 1, 10) receiving a muting status information in response to the wireless communication device entering a silent zone (when the mobile unit enters a silent zone, such as a medical facility, it receives a predetermined message indicating to the mobile unit that it is entering a medical facility, Nakamura, Col. 5, lines 30 – 35 and Col. 6, lines 26 – 34) and provide notification of a status of the wireless communication device through an advisory message to another device attempting to communication with the wireless communication device (a predetermined message indicating the status of the mobile unit's user is transmitted to the caller, Nakamura, Col. 5, lines 61 – 67), wherein the advisory message is constructed based on the muting status information and the device data stored by the programmable memory (a predetermined message is constructed based on the status and position registration of the mobile unit, Nakamura, Col. 4, line 60 through Col. 5, line 2; Col. 5, line 15 through Col. 6, line 34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Nakamura to the system of Heinonen in order to provide a mobile communication system which can restrict the use of a mobile unit in places where troubles may be caused by radio waves radiated from mobile units and in places where speech communication makes the people around the mobile units uncomfortable.

Regarding claim 5, Heinonen in view of Nakamura as applied above discloses wherein the muting status information includes at least one of an event location and event time duration (predetermined message including at least an event location such as a medical facility, Nakamura, Col. 5, lines 30 – 35 and Col. 6, lines 26 – 34).

Regarding claim 6, Heinonen in view of Nakamura as applied above discloses wherein the muting status information further includes at least one of an event description and event purpose (predetermined message including at least an event description such as a medical facility having medical equipments, Nakamura, Col. 5, lines 30 – 35 and Col. 6, lines 26 – 34).

Regarding claim 7, Heinonen in view of Nakamura as applied above discloses wherein the muting status information is communicated to the wireless communication device based on device specific parameters (BTS transmitting a predetermined message to the mobile station according to the location, Nakamura, Col. 5, lines 30 – 35).

Regarding claim 8, Heinonen in view of Nakamura as applied above discloses wherein the device specific parameters include voice or text communicating capability (BTS transmitting a message to the mobile station informing of the situation, Nakamura, Col. 5, lines 45 – 67).

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Response to Arguments

3. Applicant's arguments filed 6/23/2005 have been fully considered but they are not persuasive.

The applicant presented the argument that the references provided by the examiner fails to teach the claimed invention. The examiner disagrees with the argument presented by the applicant and the reasoning is as followed.

Regarding claim 1, applicant argued that Heinonen in view of Nakamura fails to teach providing notification of a status of a wireless communication device through an advisory message constructed based on muting status information and device data to one or more devices attempting to communicate with the wireless communication device. Heinonen in view of Nakamura clearly discloses providing notification of a status of the wireless communication device through an advisory message to another device attempting to communication with the wireless communication device (a predetermined message indicating the status of the mobile unit's user is transmitted to the caller, Nakamura, Col. 5, lines 61 – 67), wherein the advisory message is constructed based on the muting status information and the device data stored by the programmable memory (a predetermined message is constructed based on the status and position registration of the mobile unit, Nakamura, Col. 4, line 60 through Col. 5, line 2; Col. 5, line 15 through Col. 6, line 34). Therefore, the office action mailed on 2/23/2005 stands.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho
Examiner
Art Unit 2687

10/21/05 


10/21/05
LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER